



7 Commerce Drive, Danbury, CT 06810 203.794.1100 203.797.2544
web.atmi.com info@atmi.com

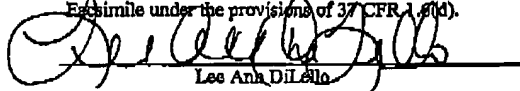
facsimile transmittance

To: Examiner Olivia T. Luk Fax: 703-872-9306
From: Margaret Chappuis Date: October 20, 2004
E-mail: mchappuis@atmi.com Pages: 4 pages (including cover sheet)
Re: Resubmission of Response to July 11, Docket No.: ATMI-466
2003 Office Action in U.S. Appln. No.
10/065,302

RECEIVED
CENTRAL FAX CENTER
OCT 20 2004

FACSIMILE TRANSMISSION CERTIFICATE

It hereby is certified by the person identified below that this paper is being facsimile transmitted by such person to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date specified below and transmitted by Facsimile under the provisions of 37 CFR 1.6(d).


Lee Ann DiLillo

October 20, 2004
Date of Transmission

703-872-9306
Facsimile Number

OFFICIAL COMMUNICATION

Resubmission of Response to July 11, 2003 Office Action in U.S. Appln. No. 10/065,302

Dear Examiner Luk:

Based on our telephone conversation of October 18, 2004 wherein you indicated that there were missing pages in the Response to the July 11, 2003 Office Action, attached herein please find a complete copy of the response which includes:

- Response to July 11, 2003 Office Action (3 pgs)
- Transmittal Sheet (1 pg)

Regards,

Maggie Chappuis

ATMI, Inc.
7 Commerce Drive
Danbury, CT 06810
203-794-1100 (telephone)
203-797-2544 (facsimile)

Please call 203-794-1100, ext. 4179 if there are any problems with this transmittal

The document(s) accompanying this facsimile transmission contain(s) information which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this information is strictly prohibited, and the document(s) should be returned to the sender. If you have received this facsimile in error, please notify us by telephone immediately so that we may arrange for the return of the original documents at no cost to you.



OCT 20. 2004 11:32AM

ATMI LEGAL FAX 203-797-2544

NO. 1550 P. 2/4

ATMI-466
Customer ID No.: 25559

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re United States Patent Application of:

CENTRAL FAX CENTER

Applicants: Neil H. Hendricks

OCT 20 2004

Serial No.: 10/065,302

Group Art Unit: 2812

Date Filed: October 1, 2002

Examiner: Olivia T. Luk

Title: COMPOSITION AND CHEMICAL
VAPOR DEPOSITION METHOD FOR
FORMING ORGANIC LOW K DIELECTRIC
FILMS

FACSIMILE TRANSMISSION CERTIFICATE

It hereby is certified by the person identified below that this paper is being facsimile transmitted by such person to the Commissioner of Patents and Trademarks on the date specified, to the Assistant Commissioner for Patents, Washington, DC 20231, and Transmitted by Facsimile under the provisions of 37 CFR 1.6(d).


Maggie Chappuis

July 30, 2003
Date of Transmission

703-746-8802
Facsimile Number

**RESPONSE TO JULY 11, 2003 OFFICE ACTION IN
U.S. PATENT APPLICATION 10/065,302**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated July 11, 2003 in the above-identified application, wherein a restriction requirement was imposed against the following claim groups:

ATMI-466
Customer ID No.: 25559

- I. Claims 1-33, drawn to product, classified in class 429, subclass 338; and
- II. Claims 34-44, drawn to a process, classified in class 438, subclass 758,

applicant hereby elects, with traverse, the Group I claims 1-33.

The traversal of the restriction requirement is based on the fact that 35 U.S.C. § 121 permits restriction only if two or more inventions are claimed in one application, which are both independent and distinct.

The composition of claim 1, which comprises a gaseous mixture of (i) at least one aromatic compound, (ii) an inert carrier medium and (iii) optionally at least one unsaturated constituent that is ethylenically and/or acetylenically unsaturated, is used in the low-*k* film forming process of claim 34. There is accordingly no basis in fact for the claims of Group I and II to be characterized as independent of one another.

Moreover, in supporting the instant restriction requirement Examiner Luk discusses distinctiveness and appears to presume that the Group I composition claims can be used in a process other than the CVD process of Group II claims.

Applicant contends however, that in actuality the Group II CVD process requires the use of the Group I composition comprising a gaseous mixture of (i) at least one aromatic compound, (ii) an inert carrier medium and (iii) optionally at least one unsaturated constituent that is ethylenically and/or acetylenically unsaturated. And as such, the present Group II process claims are in fact a combination to which the present Group I composition claims are a sub-combination.

In combination/sub-combination restrictions, two-way distinctness is required; e.g., either the process can be used to make a materially different product, or, the product can be made by a materially different process. In the presented claims, the combination, mainly the CVD process, requires the particulars of the sub-combination, mainly the composition comprising a gaseous mixture of (i) at least one aromatic compound, (ii) an inert carrier medium and (iii) optionally at least one unsaturated constituent that is ethylenically and/or acetylenically unsaturated. Accordingly, under combination/sub-combination the present restriction is improper.

ATMI-466
Customer ID No.: 25559

It therefore is requested that the Examiner reconsider the propriety of the restriction requirement, and withdraw same in favor of the continued consolidation and unitary prosecution of claims 1-44 in the present application.

Fees Due and Payable:

Applicant does not believe that any fee is due in connection with the foregoing. However, should the Office determine that a fee is due to effect its entry as well as the entry of applicant's July 11, 2003 Response, applicant hereby authorizes that such fee be deducted from applicant's deposit account, number 50-0860.

Conclusion

Applicant has made an earnest attempt to fully respond to the July 11, 2003 Office Action in the present application and respectfully requests continued prosecution on its merits.

Should any questions remain in connection with the entry of this amendment, Examiner Kielin is invited to contact the undersigned agent at 203 739-1435 to resolve same.

Respectfully submitted,



Margaret Chappuis
Registration No. 45,735
Agent for Applicant

ADVANCED TECHNOLOGY MATERIALS, INC.
7 COMMERCE DRIVE
DANBURY, CT 06810
Phone: 203 794-1100
Facsimile: 203 797-2544
Agent's Direct Line: 203 739-1435
Attorney Docket: 466